

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Equal Employment Opportunity)	
Commission,)	
)	
Plaintiff,)	ORDER
)	
and)	
)	
Erica Davidson,)	
)	
Plaintiff-Intervenor,)	
vs.)	
)	
East 40, Inc., d/b/a 40 Steak & Seafood,)	Case No. 1:18-cv-260
)	
Defendant.)	

Plaintiff Equal Employment Opportunity Commission (“EEOC”) served defendant with Requests for Production of Documents pursuant to Fed. R. Civ. P. 26 and 34. In Request # 17 it asked for “[a]ll financial statements for defendant for the period of January 2013 through present.” (Doc. No. 34-1). East 40 objected to Request # 17 on ground of relevancy. (Id.).

On March 6, 2020, EEOC filed a motion to compel the production of the documents listed in Request #17. (Doc. No. 33). It asserted that discovery of these documents is permissible and relevant in determining whether and to what extent punitive damages are appropriate. See U.S. v. Big D Enterprises, Inc., 184 F.3d 924, 932 (8th Cir 1999); 8th C. Pat. Civ. Jur. Instr. 5.72; see also N. Dakota Fair Hous. Council, Inc. v. Allen, 298 F. Supp. 2d 897, 899 (D.N.D. 2004).

On March 20, 2020, defendant filed a response to EEOC’s motion in which it advised that is withdrawing its objection to Request #17 and will provide EEOC with the requested documents with the understanding that they will be kept confidential.

Given that defendant has withdrawn its objections to Request #17 and is providing the documents as requested, EEOC's motion (Doc. No. 32) is deemed **MOOT**.

IT IS SO ORDERED.

Dated this 30th day of March, 2020.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court